

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

VINCENT SHARNEE JOHNSON,

Plaintiff

v.

WARDEN SALMONSON, *ET AL.*,

Defendants.

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Civil Action No. 5:22-CV-00044-RWS-JBB

ORDER

Plaintiff Vincent Johnson, proceeding *pro se*, filed the above-captioned civil action complaining of alleged violations of his rights. Docket No. 1. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

Plaintiff complained of the confiscation of his property during a cell search. *See* Docket No. 1-1. On June 30, 2023, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed. Docket No. 7. The Magistrate Judge stated that to the extent Plaintiff sought to proceed under the Federal Tort Claims Act, the district court lacked jurisdiction, and to the extent Plaintiff sought to proceed under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388, 397 (1971), neither the Supreme Court nor the Fifth Circuit have extended *Bivens* to cover claims of deprivations of property. *Id.* at 3–4. Thus, the Magistrate Judge found that Plaintiff failed to state a claim upon which relief may be granted. *Id.* at 4.

Plaintiff received a copy of this Report and Recommendation on July 6, 2023 (Docket No. 8), but has not filed objections; accordingly, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203- RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021).

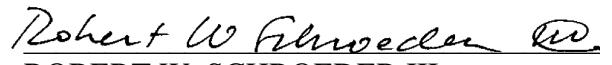
The Court has reviewed the pleadings in this case and the Report and Recommendation of the Magistrate Judge. Upon such review, the Court has determined that the Report and Recommendation of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report and Recommendation are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Accordingly, it is

ORDERED that the Report and Recommendation of the Magistrate Judge (Docket No. 7) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-captioned case is **DISMISSED WITHOUT PREJUDICE** for want of subject matter jurisdiction and failure to state a claim upon which relief may be granted. It is further

ORDERED that any pending motions in the above-captioned case are **DENIED**. A final judgment will be entered in this case in accordance with this Order.

So ORDERED and SIGNED this 6th day of November, 2023.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE